

The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mrs. Kerr, Mr. Nicini, Mr. DiNatale, Mr. Rashatwar

Absent: Mr. Lovallo, Dr. Sherbine, Mr. Reitano, Mr. Waters

Also present were Stuart Platt, Board Solicitor and Rakesh Darji, Board Engineer

MEMORIALIZATION OF RESOLUTION

JAMES & TRACEY DI BEASE
BLOCK 206.16; LOT 12
CONDITIONAL USE/HOME BUSINESS
PC 12-014

APPROVAL OF MINUTES

Mrs. DeMesquita motioned to approve the minutes dated August 22, 2012; seconded by Mr. Nicini. Motion carried by the assenting voice vote of all board member present, with the exception of Mr. Fanelli and Mr. Rashatwar, both of whom abstained.

CORRESPONDENCE

AMERICAN MAIN AFFORDABLE, LP
BLOCK 213.01; LOT 91
PC 12-021

Appearing before the board was Mr. Don Kroeplin, Maintenance manager with the Chelsea Place Apartments.

He stated that, he is here seeking approval to place a storage shed 16' X 12' in the parking lot at Chelsea Place adjacent to Building 102. The shed will hold a snow blower and miscellaneous items that are used at the apartment complex. They will lose 3 parking spaces but will not interfere with the drive aisle. It will sit next to a trash enclosure on 4 X 4 boards and will be locked at all times.

Mr. Murray advised him that the shed will have to be anchored down.

When asked if there would be flammable liquids inside Mr. Kroeplin replied there would not.

The application was opened for public comment.

Seeing none, Mrs. DeMesquita motioned to close the public portion; seconded by Mr. Nicini. Motion carried by the assenting voice vote of all board members present.

Mrs. DeMesquita motioned to approve the correspondence request for the installation of a storage shed, 16 X 12' in size adjacent to Building 102 subject to the following conditions and stipulations:

1. The shed shall be placed next to a trash enclosure.
2. The purpose of the shed is to store a snow blower, miscellaneous maintenance items for the complex and a ladder.
3. There shall be no flammables stored in the shed.
4. The doors will open facing the trash enclosure and shall be locked at all times.

Seconded by Mr. Nicini; motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mrs. Kerr, Mr. Nicini, Mr. DiNatale,
Mr. Rashatwar

NAYS: None

ELIZABETH DELANEY
PRELIMINARY & FINAL SITE PLAN
BLOCK 270; LOT 26
PC 12-017

Appearing before the board were Mr. Gary Civalier, engineer and Ms. Elizabeth Delaney, applicant.

Mr. Civalier stated that, they are seeking preliminary and final site plan approval for a 72 seat restaurant at the former Patty's Farm Market on Haddonfield-Berlin Road. They are not proposing any changes to the entrance drive. He addressed the required variances and submitted a color rendering of the site plan labeled A1.

Ms. Delaney stated that, they are requesting a digital changeable copy sign and agree to devote some time to the community on the sign.

Mr. Platt stated that, the good news is that the Master Plan was recently approved and now allows changeable copy signs on a case by case basis with some limitations; no message crawls and all messages must be stationary for five minutes. The hours of operation for the sign shall be consistent with the hours of operation of the restaurant.

The board reviewed the Environmental Resolutions review letter dated August 20, 2012.

Mr. Civalier stated that, on page 6 of the letter, they tried to plant low lying plants and shrubs in the front of the site because there are buildings on either side that sit close to the road and trees would block the site of these two lots. The site will be serviced by public water and sewer. They have just found out that they can no longer receive sewer from Berlin Township. He has had conversations with Ben Blair, Sewer Engineer and he has issued a second letter dated September 12, 2012 stating that Voorhees Township can now provide sewer to this site and they are in agreement with the conditions outlined. There will be outdoor seating on the front porch for a total of 12 seats. They will remove the picnic tables in the winter and store them in the basement.

Ms. Delaney stated that, the basement will be used for storage only. The menu they will serve will be your typical comfort food; gourmet hot dogs and hamburgers. There will be a custard machine. The maximum number of employees will be 4. There will not be any wait staff. You will place your order and your number will be called for pick up.

Mr. Murray stated that, he would want the occupants of the outdoor seating protected so he would want to see some type of bollards.

The application was opened to the public.

Ron Davidson
2 St. Albans Place

He is adjacent to the building and wanted to make sure there is a significant buffer because the buffer that has been there for years is now grown tall and you can see through the trees. He would hope they would plant something that will fill in the bottom. He is also concerned with the lighting. A few years ago when the fortune teller came in their lights were supposed to go off when the business closed but they are on all night.

Mr. Civalier stated that, the parking lot lights and the light under the porch will go off when the business closes but there is a building mounted security light in the rear.

Seeing no other public, Mrs. DeMesquita motioned to close the public portion; seconded by Mr. Nicini. Motion carried by the assenting voice vote of all board members present.

Mrs. DeMesquita motioned to grant preliminary and final site plan approval to convert the existing Patty's Farm Market to a 72 seat restaurant to be known as The Lone Dawg Café subject to the following conditions and stipulations:

1. With regard to the changeable copy sign; the message will be stationary and stay for five minutes at a time, can only advertise on site products as well as community messages if desired and hours of operation must be consistent with the hours of the café.
2. The applicant shall comply with the review letter prepared by Environmental Resolutions Inc., dated August 20, 2012 with the exception of:
 - a. Item 24 - is going to be eliminated.
 - b. Item 28 – the applicant will supplement the buffer area subject to the board engineer's review and approval.
3. The applicant is permitted 2-3 picnic tables on the outdoor porch and will be classified as outdoor seating and the applicant will install bollards in the parking lot adjacent to the outdoor seating subject to the board engineer's review and approval.
4. The applicant will be replacing the existing fence with a 3 foot white vinyl fence.
5. The applicant agreed that the parking lot lights will go off at 11:00 p.m.
6. The applicant has agreed to the comments in the Environmental Commission memo dated August 15, 2012.
7. The applicant has agreed to the comments in the Fire Marshall's letter dated August 15, 2012.
8. The applicant has agreed to comply with the comments in Churchill Engineer's sewer review letter dated September 12, 2012.

Seconded by Mr. Nicini; motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mrs. Kerr, Mr. Nicini, Mr. DiNatale, Mr. Rashatwar

NAYS: None

MAZHER KAHN
SITE PLAN W/ WAIVERS & CHANGE OF USE
BLOCK 141; LOT 12
PC 12-019

Appearing before the board were Ms. Angelique Kuchta, attorney, Mr. Keith Haberan, engineer, Mr. Nehaljahvai, architect and Mr. Mazher Kahn, applicant.

Ms. Kuchta stated that, they are here for a change of use approval to convert a 440 square foot portion of the building to a smoking lounge.

Mr. Haberan stated that, all changes are interior. It is currently a convenience store with a tobacco area. The area to be converted is currently used for storage. They have Board of Health approval and there will be an air vapor lock.

Mr. Kahn stated that, he has been in business for 5 years and currently sells lottery tickets, snacks, tobacco products and there is a small deli. Most of his business comes from selling cigars but the customers do not have any place to smoke their cigars in the winter. There will be some couches, a television and 12 seats. He has never had any issues with parking. The parking lot needs repairs and he is working with his neighbor to get someone to fix it.

Mr. Nehaljahvai stated that, they will have to divide the store in two to have a smoking lounge. There will be a separate entrance and the room will be more for a social gathering. You have to purchase a cigar to be able to use the lounge. There will be couches and 1 or 2 televisions. There will not be any entrance fee charge and there will not be any food or drink in the lounge. The ventilation will be a 6 ton air conditioner and the exhaust system will pull the air back in.

The board reviewed the letter prepared by Environmental Resolutions dated September 6, 2012.

Mr. Darji verified with the applicant that the parking lot will be repaired and restriped. The one handicap parking space will have to be made van accessible. The applicant agreed to resurface the entire parking lot and will restripe it.

The application was opened for public comment.

Ann Corsini
15 Ford Street

She brought pictures of the back yard of this store that showed a lot of debris piled up behind the store. She said she is constantly cleaning trash in her back yard and her neighbor's yards. There was an illegal u-haul business there at one time and her dog was sick from eating garbage from this property. Stated that this is a disgrace and asked the board what she could do to get it cleaned up.

Mr. Murray stated this is a code enforcement issue. He did enforce the u-haul business issue but he is not aware of the status of the code enforcement issue. There is a lot of garbage and debris back there and if she contacts him in the morning he will find out the status.

Ms. Kuchta stated that, her client has agreed to clean it up immediately. He believes people illegally dump behind his business. He needs to get a larger dumpster.

Mr. Platt advised Ms. Corsini to contact the Township and file a complaint and enforcement will come out. If the board approves this tonight there most likely will be a condition that if he does not maintain the outside area the lounge would be shut down.

Mr. Murray stated that, another layer of relief is the Camden County Board of Health. If she calls them they will come out.

Seeing no other public; Mrs. DeMesquita motioned to close the public portion; seconded by Mr. Nicini. Motion carried by the assenting voice vote of all board members present.

Mrs. DeMesquita motioned to approve the conversion of approximately 440 square feet of the Interior to a smoking lounge subject to the following conditions and stipulations:

1. The applicant shall comply with the board engineer's letter dated September 6, 2012.
2. The applicant agrees to resurface and restripe the parking lot as well as address the handicap space.
3. The applicant will modify the plan to show the parking lot specifications and will be subject to the board engineer's review and approval.
4. With regard to the driveway apron, if the County does not repair it the applicant will have to do so.
5. The applicant shall comply with the conditions of the County Board of Health approval and the statute that allows this type of smoking lounge.
6. The applicant shall comply with any other outside agency approvals that may be required.
7. The applicant shall on a regular basis, remove any debris; maintain the property and the dumpster shall be kept closed.

Seconded by Mr. Nicini; motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mrs. Kerr, Mr. Nicini, Mr. DiNatale,
Mr. Rashatwar

NAYS: None

BURRIS CONSTRUCTION COMPANY
AMENDED FINAL SITE PLAN W/ SIGN VARIANCE
BLOCK 227.01; LOT 54
PC 12-018

Appearing before the board were, Mr. Richard Hoff, attorney and Mr. William Bowman, project manager.

Mr. Hoff stated that, Genesis Healthcare is currently under construction and they are here this evening to seek a variance for the 2 internal directional signs that are 12 square feet in size as opposed to 3 square feet, which is what is allowed by ordinance. These are needed for the sake of clarity because there are multiple uses on the property. There are changes that have been made to the site; the first is

the relocation and size of the generator. It has been moved from the front courtyard area closer to the rear of the site near the storm water basin. Second, they have installed various tanks on site and underground to accommodate the grey water system which is part of the operation of the building. Originally there was one large single tank proposed beneath the building however, beneath the building was not practical for purposes of access.

Mr. Bowman stated that, the original was a 125 kw generator and Mr. Burris' intention was to make the building a model site for both efficiency and energy and also an emergency site that would be State approved and certified in case of a major power outage. A 600 kw generator supports the entire building and the community can stay in this building in the event of an emergency.

Mr. Bowman continued to state that, because the size was increased the generator would not fit in the original location so it was moved next to the storm water basin. This is purely an emergency generator and will be tested 15 minutes each week between the hours of 12 noon 3:00 p.m. The storm water tanks were originally 10,000 gallon and proposed in the court yard but were too large. These tanks are part of the energy saving plan and are used to flush the facilities and to sprinkler the site.

Mr. Platt questioned the inspecting engineer's comment regarding no information being made available to him with regard to pumps, level controls, etc.

Mr. Bowman stated that, because this system is so new and because they were making changes there was nothing submitted but they can certainly supply all of the detailed specs.

Mr. Bowman addressed the monument sign and stated that the original sign was a large banner type sign along the front of the building. This is being reduced to a single brick monument sign 36 square feet on both sides identifying Genesis with up lighting. With the base included it is probable 100 square feet. The new sign will meet the setback and will not require a variance. The larger directional signs are needed because there are 2 facilities and once inside there is some confusion with regard to the front entrance and deliveries.

The board addressed the review letter prepared by the board engineer dated September 7, 2012.

Mr. Hoff stated that, with regard to comment #5, the sign is being eliminated so there is no need for any lighting.

Mrs. DeMesquita asked why the name of the facility had to be on the directional signage. She feels they can be cut in half. She asked why they didn't come to the board before making the changes to the generator and the water system.

Mr. Bowman stated that, the move was made without coming to the board because of timing and added that the inspecting engineer was aware that they changed the location.

Mr. Murray interrupted and stated that, Mr. White was not aware of the change to the generator because he called and talked to him about it.

Mr. Bowman stated that, it is unfortunate it was done this way and they will do whatever is necessary to come up with a design to provide a nice enclosure with enough landscaping so it won't be seen and the sound will be as minimized as possible.

Mr. Platt stated that, the frustration you are hearing from the board members is because an approval is given and applicant's feel they can make changes and do whatever they want once they begin construction. It is the integrity of the process and the board and the public has the right to rely on the plan that was approved. He asked if there were any other changes made.

Mr. Bowman stated that, the geothermal system was modified and they will submit an "as built".

The application was opened for public comment.

Hope Krebs
24 Edelweiss Court

They are the homeowners behind this project and are surprised by a number of these changes. They have lived this past summer with a small generator percolating in their back yard so she can't imagine a 4 fold bigger generator. The last time she was here this was going to be an assisted living facility with no

parking anywhere near their home. Now it is a skilled nursing facility with parking near their home. With regard to their beefed up landscaping, she has about 3 trees at the back of her property and a clear view of their trash dumpster. She suggested moving the generator up front or next to the commercial site next door.

Mr. Bowman explained that, the generator she hears is a well pump that drives water to the site during construction. Now that water is connected, that generator will be removed. Because that was an access point and the well was there that area has not been landscaped yet. It will be done in the very near future. The blue tank is a fuel tank and that will be removed. Normally a generator is placed as close as it can be to the power room because of the loss in voltage. There is a cost issue also but from an engineering standpoint they are normally placed near the power.

Ms. Krebs stated that, if that generator is going to stay in that location there has to be a substantial buffer not only around the generator but also in the buffer area.

Yan Chen
30 Alpine Court

She totally agrees with everything her neighbor has put on the record and hopes something can be done to fix it.

Kim Kinser
24 Edelweiss Court

He feels that the fact that there isn't a rule about generators does not mean you should be able to put them anywhere. It should be an inconvenience to the people it will service not to the people it is not. What is so frustrating is there has not been any thought until just now on their part as to how to make this generator invisible. Also, putting a fuel source next to a retention pond could be a real problem if it were to leak.

Seeing no other public interest Mrs. DeMesquita motioned to close the public portion; seconded by Mr. Nicini. Motion carried by the assenting voice vote of all board members present.

Mr. Murray stated that, even though the generator was larger why was it moved out of the courtyard. He asked if there were any sound readings taken because he could accept them if they were submitted, reviewed and they met the standards. Then he could have approved it as long as it was screened but he does not know what he is voting on at the present time. The design of this new generator should have been reviewed by our engineer. The parking lot on the side of the building is not completed and the interior of the first floor is not finished yet so why can't it be moved over there.

Mr. Platt summarized the conditions and stated that:

1. The applicant is seeking two sign variances; one for the size of the monument sign and one for the size of two directional signs.
2. The applicant shall perform sound testing and then generate a plan that includes enclosures and landscaping which will ensure that the sound meets the ordinance requirements and the generator and the enclosure will be completely buffered from the resident's behind the subject to the Board Engineer's review and approval.
3. The applicant must submit "as built", details and specifications for the rainwater collection system so we have them on record.
4. The applicant must submit the geothermal specifications.
5. The applicant must comply with the board engineer's review letter dated September 2, 2012; with the exception of item 5 under general comments because the lighting was meant for the wall signage.
6. The applicant must conduct a sound test post construction from the property line to document the decibel levels prior to a certificate of conformance.

Mrs. DeMesquita **motioned to table the application**; seconded by Mr. Murray. The motioned carried subject to the following roll call vote:

Mrs. DeMesquita - yes to table. She feels that we do not have enough information for our engineer to review with regard to sound readings and she wants details of the enclosure and landscaping for the generator. She also wants changes made to the directional signage.

Mr. Murray – yes to table. He would prefer to have Churchill Engineers (inspecting engineer) present at this meeting to provide testimony as to how the applicant can achieve what they are suggesting.

Mrs. Kerr – yes to table. She agrees that it needs to be tabled.

Mr. Nicini – no for the motion.

Mr. DiNatale – yes to table. He wants to grant an approval because he believes they will do what they are saying but he has to vote for the motion because they dropped the ball and went about this the wrong way.

Mr. Rashatwar – yes to table.

Mr. Fanelli – yes to table. He respects the fact that it could be fixed to the board’s satisfaction but we need more information from our engineers.

The motion carried and the applicant must return to the board.

Mr. Nicini motioned to carry the application to the October 10, 2012 meeting; seconded by Mr. Rashatwar. Motion carried by the assenting voice vote of all board members present.

.....

There being no further business before the board, the Chairman adjourned the meeting.

Carole Pfeffer, Secretary